

Vanderburgh Superior Court 7

Filed: 3/19/2021 10:53 AM
Clerk
Vanderburgh County, Indiana

STATE OF INDIANA)
) SS: VANDERBURGH SUPERIOR COURT
COUNTY OF VANDERBURGH) CAUSE NO. 82D ____ - ____ -CT- ____

82D07-2103-CT-001352

JOHN C. McDOUGALL)
)
AND)
)
CAROL B. McDOUGALL)
)
 Plaintiffs)
)
 vs.)
)
CHARLES W. HOBBS)
)
 Defendant)

COMPLAINT

Come the Plaintiffs, John C. McDougall and Carol B. McDougall, and for their cause of action herein, complain and allege as follows:

1. Plaintiffs, John C. McDougall and Carol B McDougall, are residents of the Commonwealth of Kentucky, residing in Henderson County, Kentucky, at 9641 State Route 1078 North, Henderson, Kentucky 42420.

2. Defendant, Charles W. Hobbs, is a resident of Vanderburgh County and the State of Indiana residing at 1501 Sweetser Avenue, Evansville, Indiana, 47714.

3. On March 29, 2019, Plaintiffs were driving their vehicle in a westerly direction along Bellemeade Avenue, located in the city of Evansville, Indiana, and approaching its intersection with Lodge Avenue.



4. At or about the same time, the Defendant was driving his vehicle in a southerly direction along Lodge Avenue and approaching its intersection with Bellemeade Avenue. Traffic traveling in this direction is subject to a stop sign at the intersection of Lodge Avenue with Bellemeade Avenue.

5. As Plaintiffs' vehicle entered said intersection, Defendant's vehicle negligently entered the intersection without stopping or slowing down and collided with Plaintiffs' vehicle striking it in the passenger side door and sending the Plaintiffs' vehicle hurdling across all lanes of traffic and ultimately coming to rest only after slamming into a tree located in a yard on the eastbound side of Bellemeade Avenue.

6. Defendant carelessly and negligently entered the intersection at a reckless and excessive rate of speed and negligently failed to stop his vehicle as he approached the intersection at Bellemeade Avenue.

7. As a direct and proximate result of the negligence of Charles W. Hobbs, Plaintiffs' have sustained bodily injury with that of Mrs. McDougall being the most severe; have incurred and may continue to incur medical bills and expenses; and have suffered and will continue to suffer pain, suffering, mental anguish, inconvenience and loss of consortium.

8. As a direct and proximate result of the Defendant's aforesaid careless and negligent acts and omissions, the Plaintiffs have suffered and will in the future suffer mental and physical pain and anguish, and severe temporary and permanent physical and functional limitations, all for which they are entitled to a judgment against the Defendant.

WHEREFORE, Plaintiffs, John C. McDougall and Carol B. McDougall, demand relief against Defendant as follows:

1. Judgment for compensatory damages in such amount as determined by jury at trial and reasonably calculated to compensate Plaintiffs for their damages;
2. Interest on any amount to which they may be adjudicated to be entitled to accrue from the date of the filing of this action until paid;
3. Their costs herein expended;
4. Attorneys fees;
5. Trial by jury; and
6. Any and all other appropriate relief to which they may appear to be justly entitled.

Respectfully submitted,

NEEL, WILSON & CLEM
9 South Main Street
Henderson, Kentucky 42420
(270) 827-9800

/S/ Charles Edward Clem
Charles Edward Clem
Counsel for Plaintiff
Attorney No. 15716-82

82D07-2103-CT-001352

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STATE OF INDIANA) VANDERBURGH SUPERIOR COURT
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JOHN C. McDOUGALL)
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vs.)
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CHARLES W. HOBBS)
)
Defendant)

APPEARANCE BY ATTORNEY IN CIVIL CASE

This Appearance Form must be filed on behalf of every party in a civil case.

1. The party on whose behalf this form is being filed is:
Initiating X Responding _____ Intervening _____ ; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party: John C. McDougall and Carol B. McDougall.

Address of party (see Question # 6 below if this case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order):

9641 Highway 1078 North
Henderson, KY 42420

Telephone # of party (270) 577-0074

(List on a continuation page additional parties this attorney represents in this case.)

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name: Charles Edward Clem Atty Number: 15716-82

Address: Neel Wilson & Clem
9 South Main Street
Henderson, KY 42420

Phone: (270) 827-9800
FAX: (270) 827-9844
Email Address: eclem@nwclaw.com

(List on continuation page additional attorneys appearing for above party)

3. This is a CT case type as defined in administrative Rule 8(B)(3).
4. I will accept service by:
FAX at the above noted number: Yes ☐ No ☒
Email at the above noted number: Yes ☐ No ☒
5. This case involves child support issues. Yes ☐ No ☒ *(If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-4.)*
6. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes ☐ No ☒ *(If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.)* The party shall use the following address for purposes of legal service:

address is

Attorney's address
The Attorney General Confidentiality program address
(contact the Attorney General at 1-800-321-1907 or e-mail

confidential@atg.state.in.us).

Another address (provide)

7. This case involves a petition for involuntary commitment. Yes ☐ No ☒
8. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:

a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above:

b. State of Residence of person subject to petition: _____

c. At least one of the following pieces of identifying information:

(i) Date of Birth _____

(ii) Driver's License Number _____

State where issued _____ Expiration date _____

(iii) State ID number _____

State where issued _____ Expiration date _____

(iv) FBI number _____

(v) Indiana Department of Corrections Number _____

(vi) Social Security Number is available and is being provided in an attached confidential document Yes ____ No ____

9. There are related cases: Yes ____ No __X__ (If yes, list on continuation page.)

10. Additional information required by local rule:

11. There are other party members: Yes ____ No __X__ (If yes, list on continuation page.)

12. This form has been served on all other parties and Certificate of Service is attached:

Yes __X__ No ____

/s/ Charles Edward Clem

Attorney-at-Law

(Attorney information shown above.)

82D07-2103-CT-001352

Vanderburgh Superior Court 7

Filed: 3/19/2021 10:53 AM
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Vanderburgh County, Indiana

STATE OF INDIANA) VANDERBURGH SUPERIOR COURT
) SS:
COUNTY OF VANDERBURGH) CAUSE NO. 82D____-____-CT-_____

JOHN C. McDOUGALL)
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1. The party on whose behalf this form is being filed is:
Initiating X Responding _____ Intervening _____ ; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party: John C. McDougall and Carol B. McDougall.

Address of party (see Question # 6 below if this case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order):

9641 Highway 1078 North
Henderson, KY 42420

Telephone # of party (270) 577-0074

(List on a continuation page additional parties this attorney represents in this case.)

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name: Charles Edward Clem Atty Number: 15716-82

Address: Neel Wilson & Clem
9 South Main Street
Henderson, KY 42420

Phone: (270) 827-9800
FAX: (270) 827-9844
Email Address: eclem@nwclaw.com

(List on continuation page additional attorneys appearing for above party)

3. This is a CT case type as defined in administrative Rule 8(B)(3).
4. I will accept service by:
FAX at the above noted number: Yes ☐ No ☒
Email at the above noted number: Yes ☐ No ☒
5. This case involves child support issues. Yes ☐ No ☒ *(If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-4.)*
6. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes ☐ No ☒ *(If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.)* The party shall use the following address for purposes of legal service:

address is

Attorney's address
The Attorney General Confidentiality program address
(contact the Attorney General at 1-800-321-1907 or e-mail

confidential@atg.state.in.us).

Another address (provide)

7. This case involves a petition for involuntary commitment. Yes ☐ No ☒
8. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:

a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above:

b. State of Residence of person subject to petition: _____

c. At least one of the following pieces of identifying information:

(i) Date of Birth _____

(ii) Driver's License Number _____

State where issued _____ Expiration date _____

(iii) State ID number _____

State where issued _____ Expiration date _____

(iv) FBI number _____

(v) Indiana Department of Corrections Number _____

(vi) Social Security Number is available and is being provided in an attached confidential document Yes ____ No ____

9. There are related cases: Yes ____ No X (If yes, list on continuation page.)

10. Additional information required by local rule:

11. There are other party members: Yes ____ No X (If yes, list on continuation page.)

12. This form has been served on all other parties and Certificate of Service is attached:

Yes X No ____

/s/ Charles Edward Clem

Attorney-at-Law

(Attorney information shown above.)

82D07-2103-CT-001352

Vanderburgh Superior Court 7

Filed: 3/19/2021 10:53 AM
Clerk
Vanderburgh County, Indiana

STATE OF INDIANA)
COUNTY OF VANDERBURGH) SS: VANDERBURGH SUPERIOR COURT
CAUSE NO. 82D____-____-CT-_____

JOHN C. McDOUGALL)
AND)
CAROL B. McDOUGALL)
Plaintiffs)
vs.)
CHARLES W. HOBBS)
Defendant)

To Defendant: Charles W. Hobbs
1501 Sweetser Avenue
Evansville, IN 47714

TO THE ABOVE NAMED DEFENDANT OR DEFENDANTS:


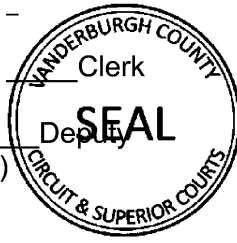
You have been sued by the person(s) named "Plaintiff" in the court stated above.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the plaintiff has made and wants from you. You must answer the complaint in writing, by you or your attorney, within twenty (20) days, commencing the day after you receive this summons, or judgment may be entered against you for what the plaintiff has demanded.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

The following manner of service of summons is hereby designated: SHERIFF.
If not so designated, the clerk shall cause service to be made by mail.

Charles Edward Clem, #15716-82
Attorney for Plaintiff
Address: 9 S. Main Street
Henderson, KY 42420
Phone: (270) 827-9800


By: /s/VCato (seal)

VC

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2021, I mailed a copy of this summons and a copy of the Complaint to each of the Defendant(s) by (registered or certified) mail, requesting a return receipt signed by the addressee only, addressed to each of said Defendant(s) at the address furnished by the Plaintiff.

Dated _____, 2021 _____ Clerk
By: _____ Deputy
(seal)

RETURN OF SERVICE OF SUMMONS BY MAIL

I hereby certify that service of summons with return receipt requested was mailed on the _____ day of _____, 2021, and that a copy of the return receipt was received on the _____ day of _____ copy is attached herewith.

Dated March 29, 2021, 2021

B

RETURN OF SERVICE OF SUMMONS BY SHERIFF

VC

I hereby certify that I have served the within summons:

1. By delivering personally on the _____ day of _____, 2021, a copy of the summons and a copy of the Complaint to each of the within-named Defendants.

2. By leaving on the _____ day of _____, 2021, for each of the within-named Defendants a copy of the summons and a copy of the Complaint at the respective dwelling place or abode with some person of suitable age and discretion whose duties or activities include prompt communication of such information to the person being served.
3. By leaving on the _____ day of _____, 2021, for each of the within-named Defendants a copy of the summons and a copy of the Complaint at the respective or usual place of business or employment with some person of suitable age and discretion whose usual duties or activities include prompt communication of such information to the person being served.

Whenever service is made on part 2 or 3, there shall be added:

That on the _____ day of _____, 2021, I sent by first-class mail a copy of the summons without the complaint to each of the within-named Defendants.

Sheriff of Vanderburgh County, Indiana

By: _____, Deputy

Charles Edward Clem, #15716-82
Attorney for Plaintiff
9 S. Main Street
Henderson, KY 42420
(270) 827-9800

82D07-2103-CT-001352

Vanderburgh Superior Court 7

Filed: 3/19/2021 10:53 AM
Clerk
Vanderburgh County, Indiana

STATE OF INDIANA) VANDERBURGH SUPERIOR COURT
)
) SS:
COUNTY OF VANDERBURGH) CAUSE NO. 82D____-____-CT-_____

JOHN C. McDOUGALL
AND
CAROL B. McDOUGALL

Plaintiffs

vs.

CHARLES W. HOBBS

Defendant

The Court will please enter the following minute:

Comes now Hon. Charles Edward Clem, of Neel Wilson & Clem, and enters the following documents on behalf of the Plaintiffs, John C. McDougall and Carol B. McDougall:

1. Complaint.
2. Entry of Appearance.
3. Summons for Charles W. Hobbs.

The requirements of rule concerning service of copies have been complied with.

/s/Charles Edward Clem
Charles Edward Clem #15716-82
Counsel for Plaintiff
NEEL WILSON & CLEM
9 South Main Street
Henderson, KY 42420
(270) 827-9800

I hereby certify that the foregoing or attached Court Record or document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative Rule 9(G).

By: /s/ Charles Edward Clem
Charles Edward Clem

STATE OF INDIANA)
) SS: VANDERBURGH SUPERIOR COURT
COUNTY OF VANDERBURGH) CAUSE NO. 82D ____ - ____ -CT- ____

JOHN C. McDOUGALL)
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AND)
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CAROL B. McDOUGALL)
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Plaintiffs)
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CHARLES W. HOBBS)
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Defendant)

APPEARANCE BY ATTORNEY IN CIVIL CASE

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1. The party on whose behalf this form is being filed is:
Initiating X Responding _____ Intervening _____ ; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party: John C. McDougall and Carol B. McDougall.

Address of party *(see Question # 6 below if this case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order):*

9641 Highway 1078 North
Henderson, KY 42420

Telephone # of party (270) 577-0074

(List on a continuation page additional parties this attorney represents in this case.)

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name: Charles Edward Clem Atty Number: 15716-82

Address: Neel Wilson & Clem
9 South Main Street
Henderson, KY 42420

Phone: (270) 827-9800
FAX: (270) 827-9844
Email Address: eclem@nwclaw.com

(List on continuation page additional attorneys appearing for above party)

3. This is a CT case type as defined in administrative Rule 8(B)(3).
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FAX at the above noted number: Yes _____ No X
Email at the above noted number: Yes _____ No X
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_____ Attorney's address
_____ The Attorney General Confidentiality program address
address is (contact the Attorney General at 1-800-321-1907 or e-mail
_____ **confidential@atg.state.in.us**).
_____ Another address (provide)

7. This case involves a petition for involuntary commitment. Yes _____ No X
8. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:

a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above:

b. State of Residence of person subject to petition: _____

c. At least one of the following pieces of identifying information:

- (i) Date of Birth _____
- (ii) Driver's License Number _____
State where issued _____ Expiration date _____
- (iii) State ID number _____
State where issued _____ Expiration date _____
- (iv) FBI number _____
- (v) Indiana Department of Corrections Number _____
- (vi) Social Security Number is available and is being provided in an attached confidential document Yes ____ No ____

9. There are related cases: Yes ____ No __X__ (If yes, list on continuation page.)

10. Additional information required by local rule:

11. There are other party members: Yes ____ No __X__ (If yes, list on continuation page.)

12. This form has been served on all other parties and Certificate of Service is attached:

Yes __X__ No ____

/s/ Charles Edward Clem
Attorney-at-Law
(Attorney information shown above.)

CERTIFICATE OF SERVICE

I certify that on the 19th day of March, 2021, service was made of a copy of the foregoing Appearance by certified mail return receipt requested, upon:

Charles W. Hobbs
1501 Sweetser Avenue
Evansville, IN 47714

NEEL WILSON & CLEM

By: /s/ Charles Edward Clem
Charles E. Clem
Attorney No. 15716-82

STATE OF INDIANA)
) SS: VANDERBURGH SUPERIOR COURT
 COUNTY OF VANDERBURGH) CAUSE NO. 82D07-2103-CT-1352

JOHN C. McDOUGALL)
)
 AND)
)
 CAROL B. McDOUGALL)
)
 Plaintiffs)

vs.)

CHARLES W. HOBBS)
)
 Defendant)

RECEIVED
 MAR 31 2021
 Vanderburgh Co. Sheriffs Office

To Defendant: Charles W. Hobbs
 1501 Sweetser Avenue
 Evansville, IN 47714

TO THE ABOVE NAMED DEFENDANT OR DEFENDANTS:

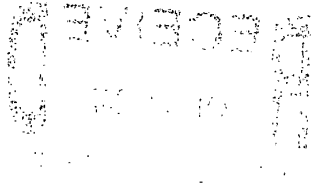
You have been sued by the person(s) named "Plaintiff" in the court stated above.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the plaintiff has made and wants from you. You must answer the complaint in writing, by you or your attorney, within twenty (20) days, commencing the day after you receive this summons, or judgment may be entered against you for what the plaintiff has demanded.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

The following manner of service of summons is hereby designated: SHERIFF.
 If not so designated, the clerk shall cause service to be made by mail.

Vanderburgh County Sheriff's Office RETURN OF SERVICE	
Date Served:	4-1-21
Service Obtained:	
<input type="checkbox"/> Copy	
<input checked="" type="checkbox"/> Personal	
<input type="checkbox"/> Moved	
<input type="checkbox"/> Other	
Deputy:	
B. Douglas	



Filed: 4/9/2021 9:15 AM
Vanderburgh Superior Court 7
Vanderburgh County, Indiana

STATE OF INDIANA) IN THE VANDERBURGH SUPERIOR COURT
) SS:
COUNTY OF VANDERBURGH) CAUSE NO.: 82D07-2103-CT-001352

JOHN C. McDOUGALL, and)
CAROL B. McDOUGALL,)
)
Plaintiff(s),)
)
vs.)
)
CHARLES W. HOBBS,)
)
Defendant(s).)

E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE

This Appearance Form must be filed on behalf of every party in a civil case.

1. The party on whose behalf this form is being filed is:

Initiating____ Responding XXXX Intervening____; and
**the undersigned attorney and all attorneys listed on this form now appear in this
case for the following parties:**

Charles W. Hobbs

2. Attorney information for service as required by Trial Rule 5(B)(2):

Matthew C. Robinson
Email: mrobinson@yarling.com
Telephone: (317) 262-8800 ext. 102
Attorney No.: 16183-64

Seth M. Lahn
Email: seth@lahnlaw.com
Telephone: (317) 262-8800 ext. 108
Attorney No.: 15339-53

YARLING ROBINSON LLC
151 North Delaware Street, #1535
Indianapolis, Indiana 46204-2596

- (iii) State ID number _____
State where issued _____ Expiration date _____
- (iv) FBI number _____
- (v) Indiana Department of Corrections Number _____
- (vi) Social Security Number is available and is being provided in an attached
confidential document Yes ____ No ____

7. **There are related cases:** Yes ____ No XXX
(If yes, list below)

8. **Additional information required by local rule:**

9. **There are other party members:** Yes ____ No XXX

10. **This form has been served on all other parties. Certificate of Service is attached:**
Yes XXX No ____

Authority: Pursuant to Trial Rule 3.1, this form shall be filed at the time an action is commenced or when a party first appears. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the Court of a change in information previously provided to the Court. This format is approved by the Division of State Court Administration.

Respectfully submitted,

/s/ Matthew C. Robinson

Matthew C. Robinson, #16183-64

Attorney for Defendant

Charles W. Hobbs

YARLING ROBINSON LLC
Post Office Box 44128
Indianapolis, Indiana 46244-0128
Telephone: (317) 262-8800 ext. 102
Fax: (317) 262-3046
E-mail: mrobinson@yarling.com

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2021, a copy of the foregoing E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE was filed electronically. Service of filing will be made on all registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Charles Edward Clem
NEEL WILSON & CLEM
9 South Main Street
Henderson, KY 42420
Telephone: (270)827-9800
Fax: (270)827-9844
Email: ECLEM@NWCLAW.COM

/s/ Matthew C. Robinson
Matthew C. Robinson

STATE OF INDIANA)	IN THE VANDERBURGH SUPERIOR COURT
) SS:	
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CAROL B. McDOUGALL,)	
)	
Plaintiff(s),)	
)	
vs.)	
)	
CHARLES W. HOBBS,)	
)	
Defendant(s).)	

PETITION FOR ENLARGEMENT OF TIME TO PLEAD

The defendant, Charles W. Hobbs, respectfully moves the Court to extend until May 10, 2021, the time in which the defendant may plead or move to the plaintiffs' complaint herein on the ground that such time is reasonably required to permit defendant's counsel to contact persons having relevant knowledge of the allegations contained in the plaintiffs' complaint in order that a responsive pleading or motion may be prepared.

Respectfully submitted,

/s/ Matthew C. Robinson

Matthew C. Robinson, #16183-64

Attorney for Defendant

Charles W. Hobbs

YARLING ROBINSON LLC
Post Office Box 44128
Indianapolis, Indiana 46244-0128
Telephone: (317) 262-8800 ext. 102
Fax: (317) 262-3046
E-mail: mrobinson@yarling.com

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2021, a copy of the foregoing PETITION FOR ENLARGEMENT OF TIME TO PLEAD was filed electronically. Service of filing will be made on all registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Charles Edward Clem
NEEL WILSON & CLEM
9 South Main Street
Henderson, KY 42420
Telephone: (270)827-9800
Fax: (270)827-9844
Email: ECLEM@NWCLAW.COM

/s/ Matthew C. Robinson
Matthew C. Robinson

STATE OF INDIANA) IN THE VANDERBURGH SUPERIOR COURT
) SS:
COUNTY OF VANDERBURGH) CAUSE NO.: 82D07-2103-CT-001352

JOHN C. McDOUGALL, and)
CAROL B. McDOUGALL,)
)
Plaintiff(s),) VANDERBURGH SUPERIOR COURT
)
vs.) **FILED**
) April 9, 2021
CHARLES W. HOBBS,) JH
)
Defendant(s).)

ORDER EXTENDING TIME TO PLEAD

Comes now the defendant, Charles W. Hobbs, and files Petition for Enlargement of Time to Plead, and the Court, being duly advised now sustains defendant's petition, and

IT IS THEREFORE ORDERED that the time in which the defendant, Charles W. Hobbs, may plead or move to the plaintiffs' complaint herein be, and the same hereby is, extended to and including May 10, 2021.

DATED: **April 9, 2021**



JUDGE, VANDERBURGH SUPERIOR 7

Distribution To:

Matthew C. Robinson
YARLING ROBINSON LLC
Post Office Box 44128
Indianapolis, Indiana 46244-0128

Charles Edward Clem
NEEL WILSON & CLEM
9 South Main Street
Henderson, KY 42420

STATE OF INDIANA)	IN THE VANDERBURGH SUPERIOR COURT
) SS:	
COUNTY OF VANDERBURGH)	CAUSE NO.: 82D07-2103-CT-001352
JOHN C. McDOUGALL, and)	
CAROL B. McDOUGALL,)	
)	
Plaintiff(s),)	
)	
vs.)	
)	
CHARLES W. HOBBS,)	
)	
Defendant(s).)	

DEFENDANT CHARLES W. HOBBS' ANSWER

I.

Defendant Charles W. Hobbs, by counsel, for his answer to the plaintiffs' complaint states:

1. Defendant Charles W. Hobbs is without sufficient information with which to form a belief as to the truth of the allegations contained in rhetorical paragraph 1 of the plaintiffs' complaint.
2. Defendant Charles W. Hobbs admits the allegations contained in rhetorical paragraphs 2, 3, and 4 of the plaintiffs' complaint.
3. Defendant Charles W. Hobbs denies the allegations contained in rhetorical paragraphs 5, 6, 7, and 8 of the plaintiffs' complaint.

WHEREFORE, Defendant Charles W. Hobbs prays that the plaintiffs take nothing by way of their complaint, for costs of this action and for all other proper relief.

II.

Defendant Charles W. Hobbs, by counsel, for his affirmative defenses to plaintiffs' complaint states:

1. Plaintiff John C. McDougall's contributory fault diminishes proportionately any damages

prayed for in plaintiffs' complaint and such plaintiff's contributory fault should be considered as required by IND. CODE 34-51-2-5.

2. Plaintiffs may have failed to mitigate their damages.

3. To the extent that any payments have been paid to plaintiffs or on plaintiffs' behalf for the injuries alleged in this litigation, such payments must be set off against damages awarded herein, if any.

4. Defendant was faced with a sudden emergency not of his own making.

5. A non-party whose fault contributed to cause the injuries and damages sustained by the plaintiff alleged in plaintiff's complaint is/are John Doe Construction Company/Companies who placed signage at the location of the subject motor vehicle accident.

6. Defendant Charles W. Hobbs reserves the right to amend his affirmative defenses as additional information becomes known to him.

Respectfully submitted,

/s/Matthew C. Robinson
Matthew C. Robinson, 16183-64
Attorney for Defendant
Charles W. Hobbs

REQUEST FOR JURY TRIAL

Defendant, Charles W. Hobbs, by counsel, requests a jury trial.

Respectfully submitted,

/s/Matthew C. Robinson
Matthew C. Robinson, 16183-64
Attorney for Defendant
Charles W. Hobbs

YARLING ROBINSON LLC
Post Office Box 44128
Indianapolis, Indiana 46244-0128
Telephone: (317) 262-8800 ext. 102
Fax: (317) 262-3046
E-mail: mrobinson@yarling.com

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2021, a copy of the foregoing *Answer* was filed electronically. Service of filing will be made on all registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Charles Edward Clem
NEEL WILSON & CLEM
9 South Main Street
Henderson, KY 42420
Telephone: (270)827-9800
Fax: (270)827-9844
Email: ECLEM@NWCLAW.COM

/s/Matthew C. Robinson
Matthew C. Robinson

VANDEBURGH SUPERIOR COURT

**Room 218, Courts Building
825 Sycamore Street
Civic Center Complex
Evansville, IN 47708
Tel: (812) 435-5112**

VANDEBURGH SUPERIOR COURT

FILED

MAY 11 2021

S. H. L.
CLERK

MINUTE FOR: May 11, 2021

JOHN C. McDOUGALL, and
CAROL B. McDOUGALL

Plaintiff(s),

v.

CHARLES W. HOBBS,

Defendant(s).

CAUSE NO: 82D07-2103-CT-1352

The Court being advised the issues herein are now closed, sets this cause for Scheduling Conference on June 23, 2021, at 8:30 a.m. (CST), by phone with counsel for Plaintiff to initiate the call to the Court at (812) 435-5114.

Thomas A. Massey, Judge
Vanderburgh Superior Court

cc: C. Clem
M. Robinson

SCHEDULING CONFERENCE WORKSHEET

TODAY'S DATE: May 11, 2021

JOHN C. McDOUGALL, and
CAROL B. McDOUGALL

Plaintiff(s),

V.

CHARLES W. HOBBS,

Defendant(s).

CAUSE NO: 82D07-2103-CT-1352

DATES AND DEADLINES

1. **TRIAL DATE:** _____, 20____ at 9:00 a.m.
2. **TRIAL TYPE:** _____ (Court/Jury) trial.
3. **TRIAL DAYS RESERVED:** _____ day(s) is/are reserved.
4. **READINESS CONFERENCE DATE:** _____, 20____ at 8:30 a.m.
5. **SPECIFICATIONS DEADLINE DATE:** _____ (90)
6. **PRODUCTION DEADLINE DATE:** _____ (60)
7. **SUMMARY JUDGMENT DEADLINE DATE:** _____ (60)
8. **DISCOVERY CLOSE DATE:** _____ (30)
9. **LIMINE MOTION & DAMAGE UPDATE DEADLINE DATE:** _____ (30)
10. **OTHER:** _____

cc: C. Clem
M. Robinson

STATE OF INDIANA)	IN THE VANDERBURGH SUPERIOR COURT
) SS:	
COUNTY OF VANDERBURGH)	CAUSE NO.: 82D07-2103-CT-001352
JOHN C. McDOUGALL, and)	
CAROL B. McDOUGALL,)	
)	
Plaintiff(s),)	
)	
vs.)	
)	
CHARLES W. HOBBS,)	
)	
Defendant(s).)	

DEFENDANT CHARLES W. HOBBS' AMENDED ANSWER

I.

Defendant Charles W. Hobbs, by counsel, for his answer to the plaintiffs' complaint states:

1. Defendant Charles W. Hobbs is without sufficient information with which to form a belief as to the truth of the allegations contained in rhetorical paragraph 1 of the plaintiffs' complaint.
2. Defendant Charles W. Hobbs admits the allegations contained in rhetorical paragraphs 2, 3, and 4 of the plaintiffs' complaint.
3. Defendant Charles W. Hobbs denies the allegations contained in rhetorical paragraphs 5, 6, 7, and 8 of the plaintiffs' complaint.

WHEREFORE, Defendant Charles W. Hobbs prays that the plaintiffs take nothing by way of their complaint, for costs of this action and for all other proper relief.

II.

Defendant Charles W. Hobbs, by counsel, for his affirmative defenses to plaintiffs' complaint states:

1. Plaintiff John C. McDougall's contributory fault diminishes proportionately any damages

prayed for in plaintiffs' complaint and such plaintiff's contributory fault should be considered as required by IND. CODE 34-51-2-5.

2. Plaintiffs may have failed to mitigate their damages.

3. To the extent that any payments have been paid to plaintiffs or on plaintiffs' behalf for the injuries alleged in this litigation, such payments must be set off against damages awarded herein, if any.

4. Defendant was faced with a sudden emergency not of his own making.

5. A non-party whose fault contributed to cause the injuries and damages sustained by the plaintiff alleged in plaintiff's complaint is/are Ragle, Inc. General Contractors who placed signage at the location of the subject motor vehicle accident.

6. Defendant Charles W. Hobbs reserves the right to amend his affirmative defenses as additional information becomes known to him.

Respectfully submitted,

/s/Matthew C. Robinson
Matthew C. Robinson, 16183-64
Attorney for Defendant
Charles W. Hobbs

REQUEST FOR JURY TRIAL

Defendant, Charles W. Hobbs, by counsel, requests a jury trial.

Respectfully submitted,

/s/Matthew C. Robinson
Matthew C. Robinson, 16183-64
Attorney for Defendant
Charles W. Hobbs

YARLING ROBINSON LLC
Post Office Box 44128
Indianapolis, Indiana 46244-0128
Telephone: (317) 262-8800 ext. 102
Fax: (317) 262-3046
E-mail: mrobinson@yarling.com

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2021, a copy of the foregoing *Answer* was filed electronically. Service of filing will be made on all registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Charles Edward Clem
NEEL WILSON & CLEM
9 South Main Street
Henderson, KY 42420
Telephone: (270)827-9800
Fax: (270)827-9844
Email: ECLEM@NWCLAW.COM

/s/Matthew C. Robinson
Matthew C. Robinson

Filed: 6/30/2021 8:15 AM
Vanderburgh Superior Court 7
Vanderburgh County, Indiana

STATE OF INDIANA)
)
) SS: VANDERBURGH SUPERIOR COURT
COUNTY OF VANDERBURGH) CAUSE NO. 82D07-2103-CT-001352

JOHN C. McDOUGALL)
)
AND)
)
CAROL B. McDOUGALL)
)
)
Plaintiffs)
)
vs.)
)
CHARLES W. HOBBS)
)
)
Defendant)

MOTION FOR LEAVE TO AMEND COMPLAINT

Come the Plaintiffs, John C. McDougall and Carol B. McDougall, by counsel, and ask leave of the court pursuant to Rule 15 of the Indiana Rules of Trial Procedure, to amend their Complaint heretofore filed in the above entitled civil action.

In support of this motion Plaintiffs state that following the recent amendment of Defendant's Answer filed herein, it appears the Defendant intends to assert some negligent act on the part of Ragle, Inc., General Contractors, 5266 Van Road, Newburgh, Indiana 47630, as an intervening or contributing cause of the accident involving the parties that occurred on March 29, 2019. Accordingly, Plaintiffs move for leave to amend their Complaint to join Ragle, Inc., as an additional party Defendant to this action and amending the caption of this action to so reflect. Plaintiffs' proposed Amended Complaint accompanies this motion.

WHEREFORE, Plaintiffs request that the court grant them leave to amend their Complaint to join Ragle, Inc. as named Defendant in this action.

Respectfully submitted,

NEEL, WILSON & CLEM
9 South Main Street
Henderson, Kentucky 42420
(270) 827-9800

/S/ Charles Edward Clem
Charles Edward Clem
Counsel for Plaintiff
Attorney No. 15716-82

CERTIFICATE OF SERVICE

I certify that I have served the foregoing Motion by certified mail upon Samuel R. Ragle, registered agent for Ragle, Inc. at said agent's address on file with the Indiana Secretary of State, same being 1977 Anderson Road, Newburgh, IN 47630-0000 and by certified mail to said entity's principal business address on file with the Indiana Secretary of State, same being 5266 Vann Road, P.O. Box 444, Newburgh, IN 47629 and upon Hon. Matthew C. Robinson, Yarling Robinson LLC, P.O. Box 44128, Indianapolis, IN 46244-0128, counsel for the Defendant, Charles W. Hobbs, by operation of the Court's electronic filing system by and through which counsel may access this filing, all on this the 30th day of June, 2021.

NEEL WILSON & CLEM

By: /S/ Charles Edward Clem
Charles Edward Clem

STATE OF INDIANA)
) SS: VANDERBURGH SUPERIOR COURT
COUNTY OF VANDERBURGH) CAUSE NO. 82D07-2103-CT-001352

JOHN C. McDOUGALL)
)
AND)
)
CAROL B. McDOUGALL)
)
 Plaintiffs)
)
 vs.)
)
CHARLES W. HOBBS)
)
AND)
)
RAGLE, INC.)
)
)
 Defendants)

AMENDED COMPLAINT

Come the Plaintiffs, John C. McDougall and Carol B. McDougall, by counsel, and for their amended cause of action herein, complain and allege as follows:

1. Plaintiffs, John C. McDougall and Carol B. McDougall, are residents of the Commonwealth of Kentucky, residing in Henderson County, Kentucky, at 9641 State Route 1078 North, Henderson, Kentucky 42420.

2. Defendant, Charles W. Hobbs ("Mr. Hobbs"), is a resident of Vanderburgh County and the State of Indiana residing at 1501 Sweetser Avenue, Evansville, Indiana, 47714.

3. Defendant, Ragle, Inc. ("Ragle"), is an Indiana corporation, duly organized and existing under the laws of the state of Indiana, with its principal offices denoted as 5266 Vann Road, P.O. Box 444, Newburgh, IN, 47629, and agent for receipt of service of process being Samuel R. Ragle, 1977 Anderson Road, Newburgh, IN 47630-0000.

4. On March 29, 2019, Plaintiffs were driving their vehicle in a westerly direction along Bellemeade Avenue, located in the city of Evansville, Indiana, and approaching its intersection with Lodge Avenue.

5. At or about the same time, Mr. Hobbs was driving his vehicle in a southerly direction along Lodge Avenue and approaching its intersection with Bellemeade Avenue. Traffic traveling in this direction is subject to a stop sign at the intersection of Lodge Avenue with Bellemeade Avenue.

6. As Plaintiffs' vehicle entered said intersection, Mr. Hobbs's vehicle negligently entered the intersection without stopping or slowing down and collided with Plaintiffs' vehicle striking it in the passenger side door and sending the Plaintiffs' vehicle hurdling across all lanes of traffic and ultimately coming to rest only after slamming into a tree located in a yard on the eastbound side of Bellemeade Avenue.

7. Mr. Hobbs carelessly and negligently entered the intersection at a reckless and excessive rate of speed and negligently failed to stop his vehicle as he approached the intersection at Bellemeade Avenue.

8. As a direct and proximate result of the negligence of Mr. Hobbs, Plaintiffs' have sustained bodily injury with that of Mrs. McDougall being the most

severe; have incurred and may continue to incur medical bills and expenses; and have suffered and will continue to suffer pain, suffering, mental anguish, inconvenience and loss of consortium.

9. As a direct and proximate result of the Mr. Hobbs's aforesaid careless and negligent acts and omissions, the Plaintiffs have suffered and will in the future suffer mental and physical pain and anguish, and severe temporary and permanent physical and functional limitations, all for which they are entitled to a judgment against Mr. Hobbs.

10. The Defendant, Ragle, Inc., has been joined as a defendant herein due construction work it was performing at the time of the herein described collision on or near Lodge Avenue and the signage it erected in connection with that work, the negligent performance and/or placement of which may have been a contributing factor or cause resulting in the aforesaid collision.

11. To the extent Ragle is determined to have been negligent in the course of its construction work and/or placement of signage related thereto, and such negligence is determined to have been a contributing factor to the herein described collision and the injuries suffered by the Plaintiffs, Plaintiffs are entitled to judgment therefore against Ragle.

WHEREFORE, Plaintiffs, John C. McDougall and Carol B. McDougall, demand relief against the Defendants as follows:

1. Judgment for compensatory damages in such amount as determined by jury at trial and reasonably calculated to compensate Plaintiffs for their damages;

2. Interest on any amount to which they may be adjudicated to be entitled to accrue from the date of the filing of this action until paid;
3. Their costs herein expended;
4. Attorneys fees;
5. Trial by jury; and
6. Any and all other appropriate relief to which they may appear to be justly entitled.

Respectfully submitted,

NEEL, WILSON & CLEM
9 South Main Street
Henderson, Kentucky 42420
(270) 827-9800

/S/ Charles Edward Clem
Charles Edward Clem
Counsel for Plaintiff
Attorney No. 15716-82

STATE OF INDIANA)
) SS: VANDERBURGH SUPERIOR COURT
COUNTY OF VANDERBURGH) CAUSE NO. 82D07-2103-CT-001352

JOHN C. McDOUGALL)
) VANDERBURGH SUPERIOR COURT
AND)
) **FILED**
) July 23, 2021
CAROL B. McDOUGALL) JH
)
)
) Plaintiffs
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)
)
) vs.
)
)
)
) CHARLES W. HOBBS
)
)
)
) Defendant
)

ORDER GRANTING LEAVE
TO AMEND COMPLAINT

This matter having come before the court on Motion of the Plaintiffs, John C. McDougall and Carol B. McDougall, for leave to amend their Complaint filed herein on March 19, 2021;

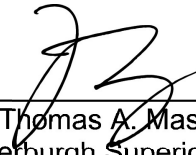
It appears to the court, on reading Plaintiff's aforesaid Motion, as well as Plaintiffs' proposed Amended Complaint annexed thereto, that joining Ragle, Inc. as an additional party Defendant to this action arises out of the conduct, transaction or occurrence set forth in the original complaint; that Ragle, Inc. received notice of the lawsuit within 120 days of commencement of this action; and within that same time period, Ragle, Inc. must have known, or should have known that they could be named as a defendant in this action.

It further appears to the court that after reading the Motion and hearing the respective arguments of counsel thereon, the court is of the opinion, that justice requires

that leave to amend be granted. Therefore,

IT IS HEREBY ORDERED AND ADJUDGED that the Plaintiffs, John C. McDougall and Carol B. McDougall, be granted leave to file their Amended Complaint.

SO ORDERED, this the 23rd day of July, 2021.



Hon. Thomas A. Massey, Judge
Vanderburgh Superior Court 7

DISTRIBUTION:

Hon. Charles Edward Clem
Neel Wilson & Clem
9 South Main Street
Henderson, KY 42420
Counsel for Plaintiffs

Hon. Matthew C. Robinson
Yarling Robinson LLC
P.O. Box 44128
Indianapolis, IN 46244-0128
Counsel for Defendant

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH) CAUSE NO. 82D07-2103-CT-001352

JOHN C. McDOUGALL and)
CAROL B. McDOUGALL,)
)
Plaintiffs,)
)
v.)
)
CHARLES W. HOBBS and)
RAGLE, INC.)
)
Defendants.)

APPEARANCE BY ATTORNEY IN A CIVIL CASE

1. The party on behalf this form is being filed is:
Initiating _____ Responding X Intervening _____; and
the undersigned attorney and all attorneys listed on this form now appear in this
case for the following parties: **Ragle, Inc.**
2. Attorney information for service as required by Trial Rule 5(B)(2):
Name: James P. Scheidler Attorney Number: 31497-49
Alex M. Beeman Attorney Number: 31222-49
Address: College Park Plaza
8909 Purdue Road, Suite 200
Indianapolis, IN 46268
Phone: (317) 663-8570
Fax: (317) 228-0943
Email: jscheidler@reminger.com; abeeman@reminger.com

IMPORTANT: Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this**

matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and

- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Courts Portal at <http://portal.courts.in.gov>.

3. This is a CT case type as defined by administrative Rule 8(B)(3).
4. I will accept service by:
- Fax at the above note number: Yes _____ No X.
- Email at the above noted address: Yes X No _____.
5. This case involves child support issues. Yes _____ No X.
6. This case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order. Yes _____ No X.
7. This case involves a petition for involuntary commitment. Yes _____ No X.
8. If Yes above, provide the following regarding individual subject to the petition for involuntary commitment. N/A.
9. There are related cases: Yes _____ No X.
10. Additional information required by local rule: None.
11. There are other party members: Yes X No _____.
12. This form has been served on all other parties and Certificate of Service is attached: Yes X No _____.

Respectfully submitted,

/s/ Alex M. Beeman

James P. Scheidler (31497-49)
Alex M. Beeman (31222-49)
REMINGER CO., LPA
College Park Plaza
8909 Purdue Road, Suite 200
Indianapolis, IN 46268
T: 317-663-8570/ F: 317-228-0943
jscheidler@reminger.com
abeeman@reminger.com
Counsel for Ragle, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing or attached Court Record or document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative Rule 9(G). I hereby certify that the foregoing document has been filed electronically this 26th day of July, 2021 via the Court's Electronic Filing System and that notice of this filing will be provided to all counsel of record via the Court's Electronic Filing System to:

Charles Edward Clem
NEEL, WILSON & CLEM
9 South Main Street
Henderson, KY 42420

Matthew C. Robinson
Seth M. Lahn
YARLING ROBINSON LLC
151 North Delaware Street #1535
Indianapolis, IN 46204-2596

/s/ Alex M. Beeman

James P. Scheidler (31497-49)
Alex M. Beeman (31222-49)
REMINGER CO., LPA